

ORIGINAL



0000086674

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

COMMISSIONERS

2008 JUL 15 A 10:46

JUL 15 2008

MIKE GLEASON, Chairman
WILLIAM MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

mm

IN THE MATTER OF THE APPLICATION OF
NORTHERN SUNRISE WATER COMPANY FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE IN
COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20453A-06-0247

IN THE MATTER OF THE APPLICATION OF
SOUTHERN SUNRISE WATER COMPANY FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE IN
COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20454A-06-0248

IN THE MATTER OF THE JOINT APPLICATION
OF NORTHERN SUNRISE WATER COMPANY
AND SOUTHERN SUNRISE WATER COMPANY
FOR THE APPROVAL OF SALE AND
TRANSFER OF WATER UTILITY ASSETS, AND
CANCELLATION OF CERTIFICATES OF
CONVENIENCE AND NECESSITY, FOR
MIRACLE VALLEY WATER COMPANY,
COCHISE WATER COMPANY, HORSESHOE
RANCH WATER COMPANY, CRYSTAL WATER
COMPANY, MUSTANG WATER COMPANY,
CORONADO ESTATES WATER COMPANY,
AND SIERRA SUNSET WATER COMPANY,
LOCATED IN COCHISE COUNTY, ARIZONA.

DOCKET NOS. W-20453A-06-0251
W-20454A-06-0251
W-01646A-06-0251
W-01868A-06-0251
W-02235A-06-0251
W-02316A-06-0251
W-02230A-06-0251
W-01629A-06-0251
W-02240A-06-0251

PROCEDURAL ORDER

BY THE COMMISSION:

On January 3, 2008, Northern Sunrise Water Company and Southern Sunrise Water Company (collectively "Applicants") filed with the Arizona Corporation Commission ("Commission") a "Compliance with Decision No. 68826." By their filing, Applicants seek to amend their Certificates of Convenience and Necessity ("CC&Ns") pursuant to Decision No. 68826 (June 29, 2006).

By Procedural Order dated February 28, 2008, the matter was set for hearing on July 8, 2008, and the Applicants were ordered to mail notice to the affected property owners.

1 Initial efforts to provide notice to the affected property owners resulted in confusion
2 concerning the nature of the application as well as about which properties were included in the
3 Applicants' requests to extend their service areas. It appears that some affected property owners did
4 not receive notice and that others, whose property is not within the proposed extension area, did
5 receive notice.

6 By Procedural Order dated July 2, 2008, the Commission suspended the procedural schedule
7 and continued indefinitely the hearing originally set in this matter to commence on July 8, 2008. In
8 addition, the Commission scheduled a Procedural Conference on July 8, 2008, for the purpose of
9 discussing how to provide notice and establishing a new schedule for the proceeding.

10 At the July 8, 2008, Procedural Conference the parties discussed the need and desire to
11 provide notice to the property owners who will be affected by the pending applications. It was
12 determined that the Applicants and the Commission's Utilities Division ("Staff") should consult to
13 draft a form of hearing notice and plan for providing such to the public. Applicants and Staff are
14 further directed to provide a detailed map that would allow property owners to determine if their
15 property is within the proposed extension area. Staff and the Applicants shall file the proposed form
16 of notice and their recommendations for how and to whom to distribute the notice. Other interested
17 parties shall have ten (10) days to file objections or comments to the proposed form of notice and
18 recommendations. Thereafter, the Hearing Division will schedule a Procedural Conference to discuss
19 the adequacy of the form of notice and to establish other procedural guidelines in this matter,
20 including, but not necessarily limited to setting a hearing date and deadline for intervention.

21 IT IS THEREFORE ORDERED that Applicants and Staff shall consult to develop a form of
22 notice for a hearing in this matter.

23 IT IS FURTHER ORDERED that Applicants and Staff shall provide accurate maps of
24 sufficient detail that will allow property owners to identify if their property is or is not included in the
25 requested extension areas.

26 IT IS FURTHER ORDERED that Applicants and Staff shall file their recommended form of
27 notice, map(s) and recommendations concerning distribution of such notice.
28

1 IT IS FURTHER ORDERED that any objections or comments to the proposed form of notice
2 and/or other recommendations shall be filed within ten (10) business days of Staff's and Applicants'
3 filing.

4 IT IS FURTHER ORDERED that subsequent to the filing by Staff and the Applicants, the
5 Hearing Division shall schedule a Procedural Conference to discuss the form of notice and setting the
6 matter for hearing.

7 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
8 Communications) continues to apply to this proceeding.

9 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
10 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
11 *hac vice*.

12 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
13 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

14 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
15 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

16 Dated this 14th day of July, 2008.

17
18
19
20 
21 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed
23 this 14th day of July 2008 to:

24 Mr. Jay Shapiro
25 Mr. Patrick Black
26 FENNEMORE CRAIG, PC
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012
Attorneys for Applicants

27 Mr. Steven Cockrum
28 5328 Corral Dr.
Hereford, Arizona 85635

1 Ms. Sharron L. Arcand
2 Mr. Raymond E. Baltrus
3 5906 S. Kino Road
4 Hereford, Arizona 85615-8901

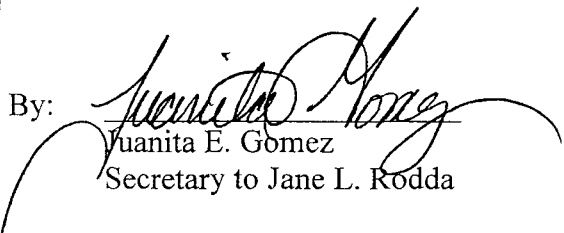
5 Ms. Charlotte L. Borghardt
6 Mr. Paul Goetz
7 P.O. Box 1126
8 Sierra Vista, Arizona 85636

9 Mr. David Lease
10 Mrs. Jennifer Lease
11 6356 South Kino Rd.
12 Hereford, Arizona 85615

13 Jeffrey & Marlene McDaniel
14 7023 S. Calle De La Mango
15 Hereford, Arizona 85615

16 Ms. Janice Alward, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Mr. Ernest Johnson, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007

26 By: 
27 Juanita E. Gomez
28 Secretary to Jane L. Rodda